

ESTTA Tracking number: **ESTTA290294**

Filing date: **06/17/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050415
Party	Defendant BioForce, Inc.
Correspondence Address	BIOFORCE, INC. 881 WEST STATE STREET, #140-114 PLEASANT GROVE, UT 84062 UNITED STATES mturman@cnmlaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Marc L. Turman
Filer's e-mail	mturman@cnmlaw.com
Signature	/Marc L. Turman/
Date	06/17/2009
Attachments	Stipulated Motion to Extend Time to Answer Petition to Cancel.pdf (3 pages (74429 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Myomed, Inc.,
a Nebraska corporation,

Plaintiff,

v.

BioForce, Inc,
a Utah corporation,

Defendant.

Cancellation No.: 92050415

Mark: MYO-MED

**STIPULATED MOTION TO EXTEND
TIME TO ANSWER PETITION TO CANCEL**

BioForce moves for a 20 day extension of time to file an answer to Myomed's petition to cancel in the cancellation proceeding identified above. BioForce's answer in the cancellation proceeding is currently due June 18, 2009. A 20 day extension of time will make BioForce's answer due July 8, 2009. BioForce does not move for the resetting of any other dates related to the cancellation proceeding. No previous extensions of time have been requested by BioForce in this proceeding.

Myomed's counsel, Patrick Conroy, consents to the 20 day extension of time. Moreover, good cause exists to grant this motion. The parties stipulated to suspend the cancellation proceeding through June 14, 2009 in an effort to settle this matter, and have been actively engaged in settlement negotiations through July 16, 2009. The parties, however, have been unable to reach a settlement.

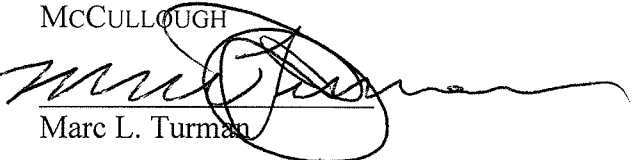
The requested extension of time is not necessitated by a lack of diligence or any unreasonable delay by BioForce in preparing an answer to the petition to

cancel. Rather, BioForce did not prepare or file an answer to the petition to cancel because the cancellation proceeding was suspended while the parties were actively engaged in settlement negotiations through July 16, 2009. Because the parties' settlement efforts have been unsuccessful BioForce now needs time to answer Myomed's petition to cancel.

For the foregoing reasons, BioForce requests that the board grant its motion for a 20 day extension of time to July 8, 2009 to file an answer to Myomed's petition to cancel.

Dated: June 17, 2009

CALLISTER NEBEKER &
McCULLOUGH



Marc L. Turman

Attorneys for Defendant,
BioForce, Inc.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing Stipulated Motion to Extend Time to Answer Petition to Cancel was served by United States mail, first class postage prepaid, on the 17th day of June, 2009, on the following:

Patrick J. Conroy
Bank of America Plaza
901 Main Street, Suite 3300
Dallas, Texas 75202

A handwritten signature in black ink, appearing to read "Patrick J. Conroy", is written over a horizontal line.